

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NYTDA, Inc, individually and on behalf of all
others similarly situated also known as New York
Trucking & Delivery Association,

Plaintiff,

-against-

THE CITY OF NEW YORK, acting through the Traffic
Control Division of the New York City Police Department
and the New York City Department of Finance, STEPHEN
GOLDSMITH, DAVID M. FRANKEL, JAMES TULLER,
HARRY J. WEDIN, and JOHN and JANE DOES 1-10, all
in their official capacities,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Defendant City of New York ("City") writes the court requesting that the court "issue a
decision expeditiously on the City's motion to dismiss." (Docket Entry # 26 at 2.)

The court has considered the City's motion to dismiss (Docket Entry # 15), and that
motion is DENIED. As demonstrated by its decision to attach multiple affidavits to its motion,
the City primarily disputes the truth of the plaintiff's allegations rather than the sufficiency of the
complaint.

The parties are directed to move forward expeditiously with discovery under the
supervision of Magistrate Judge Marilyn D. Go.

SO ORDERED.

Dated: Brooklyn, New York
November 9, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge